

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**INVISTA S.à.r.l. and INVISTA  
(Canada) Company,**

**Plaintiffs,**

**V.**

**FIBER RESOURCES  
INTERNATIONAL, INC.,**

**Defendant.**

**Civil Action No.: 07-119(GMS)**

## MOTION TO EXTEND SCHEDULING ORDER DEADLINES

Defendant Fiber Resources International, Inc. (“FRI”), by and through its newly substituted counsel, hereby moves this Court to extend certain Scheduling Order deadline dates in the above-referenced case for a reasonable time, not less than thirty (30) days. The basis for this Motion is as follows:

1. Defendant FRI was originally represented by Thomas C. Marconi of Losco & Marconi in this case. On October 16, 2007, this Court entered a scheduling order that provided that all discovery should be completed by January 18, 2008. Irreconcilable differences arose between FRI and Mr. Marconi, and, on December 5, 2007, Mr. Marconi filed a Motion to Withdraw as Counsel for FRI in this case. That motion was withdrawn when present counsel substituted in as counsel for FRI on December 19, 2007.

2. On December 19, 2007, FRI filed a motion to admit W. Winston Briggs of the law firm Decker, Hallman, Barber & Briggs (in Atlanta, Georgia) *pro hac vice* in this case. Mr. Briggs is the registered agent for FRI, a Georgia Corporation, and generally handles all legal matters involving FRI. However, because Mr. Briggs is not licensed in Delaware, FRI originally retained Thomas Marconi to represent them in this case. When that relationship deteriorated, FRI requested Mr. Briggs to take over the case for FRI. On December 19, 2007, Mr. Briggs and David L. Finger of the law firm of Finger & Slanina, LLC were substituted as counsel for FRI in this case. It is intended that Mr. Briggs serve as lead counsel and that Mr. Finger serve as local counsel for FRI in this case.

3. A mediation is scheduled in this case for January 15, 2008. Mr. Briggs, FRI's lead counsel, has previously scheduled unavoidable legal conflicts on that date. Mr. Briggs' absence would seriously hamper the parties' ability to have a successful mediation in this case. For that reason, Mr. Briggs and Mr. Finger requested both of Plaintiffs' counsel to consent to rescheduling the mediation. Plaintiffs' counsel refused such requests. Mr. Finger has sent a letter to Judge Stark requesting that the mediation be continued. Counsel for plaintiffs have sent Mr. Stark a letter objecting to that request.

4. To date, Plaintiffs have taken no depositions in this case. On January 3, 2008, Plaintiffs apparently filed four notices of depositions (for FRI and three FRI employees) setting depositions for January 16, 17, and 18, 2008. Plaintiffs' counsel did not contact defense counsel to inquire as to whether defense counsel had any conflicts with those

deposition dates. Mr. Briggs is scheduled to be in a regulatory hearing before the Georgia Department of Agriculture on January 16, 2008. On January 17 - 18, 2008, Mr. Briggs is scheduled to be out of the country. Mr. Briggs has a Leave of Absence in all of his other court cases for those dates. Because of such conflicts, Mr. Briggs requested Plaintiffs' counsel to consent to reschedule those depositions, or to request the Court to consent to the depositions being taken outside of the discovery deadline, or to consent to requesting the Court to extend the discovery period in this case. All of those requests were denied by Plaintiffs' counsel.

5. Given the fact that Mr. Briggs only recently took over as counsel for FRI in this case (just few days before the holiday season) and has previously scheduled unavoidable conflicts with the mediation date and the recently noticed deposition dates, FRI respectfully asks this Court to extend certain Scheduling Order deadlines, including the discovery period, for a reasonable period not less than thirty (30) days. FRI merely requests that the discovery deadline currently scheduled for January 18, 2008 and the deadline for case dispositive motions currently scheduled for February 8, 2008 be extended for a reasonable period, not less than thirty (30) days. FRI does not request or move that the pre-trial conference date of June 30, 2008 or the trial date of July 21, 2008 be rescheduled. Accordingly, extending the discovery deadline and the deadline for dispositive motions would have no impact on the currently scheduled trial date in this case.

6. Further, FRI respectfully requests that, because of Mr. Briggs' conflicts outlined above, it be ordered that the mediation and the depositions noticed for the period of January 15 through January 18, 2008 (D.I. 20-23) be rescheduled for other dates mutually convenient for all parties.

**CONCLUSION**

WHEREFORE, for the foregoing reasons, defendant Fiber Resources International, Inc., respectfully requests that the Court (i) amend the Scheduling Order to extend the deadline for completion of discovery and filing of dispositive motions for a reasonable time, not less than thirty days, and (ii) quash the depositions noticed for the period of January 15 through 18, 2008, subject to being rescheduled at mutually convenient times.

Dated: January 4, 2008

Respectfully submitted,

/s/ David L. Finger

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FOR THE DISTRICT OF DELAWARE**

<b>INVISTA S.à.r.l. and INVISTA (Canada) Company,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	
	)	<b>Civil Action No.: 07-119 (GMS)</b>
<b>v.</b>	)	
	)	
<b>FIBER RESOURCES INTERNATIONAL, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

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**ORDER**

On this \_\_\_\_\_ day of January, 2008, IT IS HEREBY ORDERED THAT:

1. The Motion to Extend Scheduling Order Deadlines filed by defendant Fiber Resources International, Inc. Is GRANTED.
  
2. The deadline for completion of discovery is extended to \_\_\_\_\_, \_\_\_\_\_, 2008.
  
3. The deadline for filing dispositive motions is extended to \_\_\_\_\_, 2008.
  
4. The depositions noticed for the week of January 15-18, 2008 are QUASHED, subject to be re-noticed at a time mutually convenient to counsel.

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Sleet, J.

**STATEMENT PURSUANT TO LOCAL RULE 7.1.1**

I, David L. Finger, hereby aver that counsel for defendant has made reasonable efforts to reach agreement with opposing counsel on the matters set forth in the motion, but have been unable to come to any accommodation.

/s/ David L. Finger

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**CERTIFICATE OF SERVICE**

I, David L. Finger, hereby certify that on this 4th day of January, 2008, I caused the foregoing document to be filed electronically via CM/ECF, which caused electronic notice thereof to be served upon the below-listed counsel of record:

**Jeffrey L. Moyer, Esq.**  
**Kelly E. Farnan, Esq.**  
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/s/ David L. Finger  
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